

# AFFIDAVIT OF NONDEVELOPMENT AND NONPAYMENT OF BONUS AND DELAY RENTALS

L0534787

I **Charles Delbert Hartley, a married man**, of **RR 2 Box 297F, Moundsville, WV 26041**, being of lawful age and duly sworn, do hereby depose and state the following:

Affiant hereby states that (he/~~she~~) is the owner of an undivided interest in the oil and gas rights under certain lands situate in the District of **Clay, Marshall** County, West Virginia, being further described as follows:

Tax Parcel No. **Tax Map 7 Parcel 5.9**

Bounded formerly or currently as follows:

On the North by lands of **John L. Fox, et al**;  
On the East by lands of **Terry L. Patterson**;  
On the South by lands of **Gary Keith Berger, et ux**;  
On the West by lands of **Roberts Ridge Road; Several Small Lots**;

5-3 8 888

Containing **27.878** acres, more or less, and more specifically described in a deed dated **May 28, 1998**, from **Kermit Reed Hubbs, et ux** to **Charles Delbert Hartley and Vicki Jo Hartley, husband and wife** and recorded in **Deed Book 602**, at Page **291**, of the deed records of said county and state.

Affiant further states that during the time of his/her ownership of the aforementioned rights in the above described lands, there has been various oil and gas leases executed for the purpose of exploring for oil and gas. Affiant is also aware that there may have been other oil and gas leases executed by predecessors in title to the above described lands. Affiant entered into an oil and gas lease dated **September 2, 2009** with **Professional Land Resources, LLC**, as Lessee, covering the abovementioned property containing **27.878** acres, more or less. Said Lessee agreed to pay affiant the sum of **\$28,800.00** within **90** days as bonus and all delay rental consideration in advance for a five (5) year paid-up oil and gas lease. Affiant further states that for a period of at least **2** months there have been no bonus or delay rental payments paid to Affiant, in money or otherwise, nor have such payments been deposited to Affiant's credit in any named bank. Affiant further states that (he/~~she~~) will not accept any bonus or delay rental or other payments after the date of execution of this Affidavit that would perpetuate any of said prior leases.

Furthermore, Affiant states that to the best of (his/~~her~~) knowledge there is no production of oil and/or gas from the above described lands and that (he/~~she~~) is not aware of any drilling, exploration, or development activities of any nature or kind conducted on said lands. Affiant also states that no production royalties and/or shut-in royalties have been paid effectively perpetuating any prior leases.

Further Affiant sayeth naught.

AFFIANT:

Charles Delbert Hartley  
Charles Delbert Hartley

Subscribed and sworn to before me on this 23<sup>rd</sup> day of February, 2010.

My Commission Expires: April 30, 2018

Prepared By:  
**Chesapeake Exploration, L.L.C.**  
P.O. Box 18496  
Oklahoma City, OK 73154

Darrell C. Stone III  
Signature/Notary Public  
Darrell C. Stone III  
Name/Notary Public (PRINT)

## ACKNOWLEDGMENT



STATE OF West Virginia

COUNTY OF Marshall

On this the 23<sup>rd</sup> day of February, 2010, before me, the undersigned authority, personally appeared **Charles Delbert Hartley, a married man** who, being duly sworn according to law, deposes and says that he executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Signature/Notary Public Darrell C. Stone III

Name/Notary Public (print): Darrell C. Stone III

My Commission Expires: April 30, 2018



This instrument prepared by: Chesapeake Appalachia, L.L.C., 6100 N. Western Avenue, Oklahoma City, OK 73118

Rev 02/2010

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 23<sup>rd</sup> day of February, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 25<sup>th</sup> day of May, 2010 at 11:11 o'clock A.M.